



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Requesting the Construction of the Bridge at Charging Eagle Bay"

- WHEREAS,** The Mandan Hidatsa and Arikara Nation ("Nation" or "Tribes") having accepted the Indian Reorganization Act of June 18, 1934 ("IRA"), and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and
- WHEREAS,** The Constitution of the Nation generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article III, Section 1 of the Constitution of the Nation provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5(c) of the Constitution of the Nation specifically authorizes and empowers the Tribal Business Council to administer funds within the exclusive control of the Tribes and to make expenditures from available Tribal funds for public purposes for the Tribes; and
- WHEREAS,** The inundation of the Fort Berthold Reservation caused by the Pick-Sloan Project effectively separated the Reservation into five (5) geographical segments, physically fragmenting the reservation and the Nation's communities; and
- WHEREAS,** The Business Council desires to make the Fort Berthold Indian Reservation more cohesive by building a Charging Eagle Bay Bridge (the "Bridge") across the Little Missouri River in Dunn County, in the vicinity of Charging Eagle Bay, which would connect the southern and western portions of the Reservation and eliminate an extra 70 miles of driving distance between such portions; and
- WHEREAS,** The Bridge is vital for accommodating the increased commercial traffic on the Reservation resulting from the oil and gas development boom that is currently underway; and
- WHEREAS,** The Bridge is vital to facilitate and support continued growth of the Tribe's burgeoning energy industry; and
- WHEREAS,** In 1970, a location for the Bridge was proposed at a location approximately nine (9) miles northwest of Twin Buttes and would connect North Dakota State Highway 8 to the southeast and North Dakota State Highway 22 to the northwest; and



WHEREAS, There is an existing 1974 Environmental Impact Statement (“EIS”) for the Bridge, that estimated that, in 1974, the construction cost of bridge would have been \$15.5 million, plus \$1.1 million for engineering and design, and \$933,000 for supervision and administration; and

WHEREAS, The Bridge requires approximately 21 miles of roads to connect to existing State Highways 22 and 8 and, in 1974, such connecting roads were estimated to cost \$5.35 million; and

WHEREAS, Public Law 91-611 (Dec. 1970), authorized the United States Army Corps of Engineers (the “Corps”) to oversee and execute the construction of the Bridge; and

WHEREAS, North Dakota’s House Concurrent Resolution “X-1” (Jan. 3, 1967) requests that the Corps and the United States Bureau of Indian Affairs cooperate and “take all necessary action” for the construction of the Bridge; and

WHEREAS, House Concurrent Resolution X-1 also instructed the North Dakota State Highway Department and the respective boards of county commissioners of Dunn and McKenzie Counties to cooperate in the planning of such bridge; and

WHEREAS, ;The Tribal Business Council finds that it is in the best interest of the MHA Nation and its members to have the Charging Eagle Bay Bridge constructed as Congressionally authorized in 1970.



NOW THEREFORE BE IT RESOLVED, The Tribal Business Council hereby authorizes and approves the construction of the Charging Eagle Bay Bridge, and requests that the Army Corps of Engineers and the Bureau of Indian Affairs take all necessary action to fund the construction of the bridge and the 22 miles of road to connect State Hwy 8 with State Hwy 22 and any and all other related expenses as discussed herein,

BE IT FURTHER RESOLVED, , the Tribal Business Council hereby requests that the Army Corps of Engineers and the Bureau of Indian Affairs commence to update the 1974 EIS for the purpose of complying with the 1969 NEPA and other environmental acts and regulations, including any and all permits required prior to the commencement of construction of the Bridge; and

BE IT FURTHER RESOVLED, the Tribal Business Council requests that the Army Corps of Engineers and Bureau of Indian Affairs update the cost estimates for the Bridge and the required connecting roads and requests that the Corps and the Bureau of Indian Affairs prioritize the funding of the Bridge; and

BE IT FURTHER RESOLVED, the Tribal Business Council hereby approves the expenditure of Tribal funds for the purpose of underwriting the costs to the MHA Nation in its efforts to secure full and complete funding and construction of the Bridge; and

BE IT FURTHER RESOLVED, The Tribal Council has selected Ron Hall as our Project Manager for the Charging Eagle Bay Bridge project; and

BE IT FURTHER RESOLVED, The Tribal Chairman is hereby authorized to take any and all action necessary to carry out the intent and purposes of this Resolution and to enter into any and all agreements that are required to complete the funding and construction of the Bridge as authorized in 1970.




CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13th day of August, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman Voting. Not Voting.

Dated this 13th day of August, 2013.

ATTEST:



Tribal Secretary, V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

